IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

OLLIE MICHAEL J. EDDINGTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. O5-CV-0279-HDC**
	)	
CATOOSA PUBLIC SCHOOL DISTRICT, et al.,	)	
	)	
Defendants.	)	

ORDER DENYING PRELIMINARY INJUNCTION

This matter came on for hearing on May 20, 2005, on plaintiff's application for a Preliminary Injunction (Dkt. # 3) prohibiting defendants from enforcing an out of school suspension against plaintiff. Plaintiff was present and was represented by Wesley E. Johnson. Defendants were present and were represented by J. Douglas Mann of Rosenstein, Fist & Ringold.

Plaintiff is a senior in the Catoosa High School, and he contends that if injunctive relief is not granted, he will not be permitted to participate in the Catoosa High School commencement exercises.

After considering the evidence, arguments, and authorities presented by the parties, the Court finds that plaintiff has not met his burden of showing he is entitled to any injunctive relief.

The Court finds that plaintiff has not shown a likelihood of success on the merits because plaintiff consented to the search that resulted in the suspension, and, even if he did not consent, defendants had reasonable suspicion to conduct a search. The Court also finds that defendants complied with the due process requirements set forth in *Goss v.*

Lopez, 419 U.S. 565 (1975), and plaintiff has not exhausted his administrative remedies granted by the School District.

The Court finds that plaintiff has not shown that he will suffer an irreparable injury in the absence of injunctive relief because there is no constitutionally-protected interest in participating in a graduation ceremony.

The Court finds that plaintiff has also failed to show either that the threatened injury outweighs whatever harm the injunction may cause or that the injunction, if issued, will not be adverse to the public interests. Plaintiff was suspended for a drug-related offense, and defendants have a serious and substantial interest in prohibiting drugs on School District property, which is also in the public interest. The Court finds that the minimal harm to plaintiff resulting from not participating in the graduation ceremony is outweighed by the harm that would result if defendants were prohibited from enforcing the School District's drug policy.

For the reasons set forth in this Order, plaintiff's Application for a Preliminary Injunction (Dkt. 3) should be and is hereby **DENIED** in all respects.

IT IS SO ORDERED this 20th day of June, 2005.

Claire V Eagan

CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT

Approved as to form:

s/ Wesley E. Johnson
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